

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:07-cr-104-WKW-SRW
)	
NORMAN EVANS MCELROY, JR.)	

MOTION TO SUPPRESS

NOW COMES the Defendant, **Norman McElroy**, by counsel, and pursuant to the Fourth, Fifth and Sixth Amendments to the United States Constitution, moves this Court for an Order suppressing all evidence and statements seized as a result of the seizure of computers from the home of the defendant and as a result of the questioning of the defendant.

In support of said Motion, counsel would show that although discovery has not yet been completed, it appears that FBI agents approached Mr .McElroy at his home, told him that he was a suspect in the notorious murder investigation relating to the death of the child Shannon Paulk, and then obtained his consent to search and seizure of computers in his home and obtained statements from him.

Further, the FBI agents placed or used software on his computer without Mr. McElroy's consent and proceeded to download and review all contents of Mr. McElroy's hard drive.

Further, the agents then obtained additional statements from Mr. McElroy, again under the pretext that he was a suspect in the kidnapping and murder of Shannon Paulk. In fact, Mr. McElroy was not a suspect or under investigation in regard to Ms. Paulk and the agents used

the pretext and notoriety of this case to coerce cooperation from Mr. McElroy.

Issues Presented

1. Such interrogation methods violated Mr. McElroy's Fifth Amendment right against self-incrimination, his Fifth and Sixth Amendment rights to counsel and to present a defense, and his Fifth and Fourteenth Amendment rights to due process and a fundamentally fair trial.

2. Such search methods violated Mr. McElroy's Fourth Amendment rights to be free from unreasonable search and seizure.

3. To the extent the interrogations and information learned during such were the fruit of the illegal searches, Mr. McElroy's Fourth, Fifth and Sixth Amendment rights were again violated.

Wherefore, counsel requests that an evidentiary hearing be held and that this Motion be granted.

Respectfully submitted,

s/Christine A. Freeman

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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Christopher Snyder, Assistant United States Attorney, 131 Clayton Street, Montgomery, AL.

s/Christine A. Freeman

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